IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 90 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/11/2002 in WP NO : 21827 OF 2002 on the file of the High Court.)

Between:

Smt. Sumithra Rathi.

..... APPELLANT

AND

1 Proh & Excise Superintendent, Hyderabad District, Hyderabad.
2 The Govt of A.P., rep. by its Secretary,
Proh & Excise Dept., Secretariat, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: MR.K.CHENCHURAMI REDDY (Not present)

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Nobody appeared for the petitioner-appellant in the post lunch session. Even in the pre-lunch session, nobody appeared on behalf of the appellant.

Appeal is against the order of dismissal of the writ petition in which mandamus is sought to declare the action of the respondents to recover arrears from the father of the owner of the house as illegal. The ground dismissing the writ petition being that petitioner is not the owner of the property and she claims to be the mortgagee. The owner is not impleaded as party to the writ petition and moreover, the writ petition is filed after payment of the amount and it being a highly disputed question of fact, writ petition is not the proper remedy. We see no ground to interfere with such an order and we proceed to dismiss the appeal.

_____

DEVINDER GUPTA, CJ

1-2-2005

_____

M.NARAYANA REDDY, J

Tvr

To

1 Proh & Excise Superintendent, Hyderabad District, Hyderabad.
2 The Secretary, Govt of A.P., Prohibition & Excise Dept., Secretariat,

Hyderabad.

3 2 CCs to the Govt. Pleader for Prohibition and Excise, High Court

Buildings, Hyderabad (OUT).

4 2 CD copies.